

Attachment A
FOSTER HOME LICENSING RULES – 10A NCAC 70E
EFFECTIVE SEPTEMBER 1, 2007

NEW LICENSES

Rules related to new licenses were previously found in 10A NCAC 70E .0502 NEW LICENSES. Rules related to new licenses are now found in 10A NCAC 70E .0703 NEW LICENSES. Licensing materials must be completed and dated within 180 days rather than 90 days prior to submitting an application for a new license. Medical exams must be completed within 12 months rather than 90 days prior to submitting an application for a new license. Please note that incomplete licensing applications will be returned to the supervising agency.

10A NCAC 70E .0703 NEW LICENSES

- (a) The supervising agency shall submit all licensing materials to the licensing authority dated within 180 days prior to submitting an application for a new license. The supervising agency shall submit medical examinations of the members of the foster home to the licensing authority dated within 12 months prior to submitting an application for a new license.
- (b) The supervising agency shall submit all licensing application materials required for a license to the licensing authority at one time. The licensing authority shall return incomplete licensing applications to the supervising agency.
- (c) The licensing authority shall issue a new license, if approved according to the Rules in this Section, effective the date the application and all required materials are received by the licensing authority.

RELICENSURE AND RENEWAL

Rules related to relicensure and renewal were previously found in 10A NCAC 70E .0503 RENEWAL. Rules related to relicensure and renewal are now found in 10A NCAC 70E .0704 RELICENSURE AND RENEWAL. A more detailed explanation of relicensure and renewal procedures is outlined in the new rule. Relicensure materials must be completed and dated within 180 days rather than 90 days prior to submitting an application for relicensure. Medical exams must be completed within 12 months rather than 90 days prior to submitting an application for relicensure. Sections (e), (f), (g), (h) and (i) are new. Documentation regarding preservice training shall include the process used by the supervising agency to determine if the foster parents retain mastery of each of the components. The licensing social worker should develop a standard protocol to determine if previously licensed foster parents retain mastery of the preservice training components. The supervising agency shall provide documentation that first-aid, CPR, and universal precautions training have been updated as required by the American Red Cross, the American Heart Association, or equivalent organizations.

10A NCAC 70E .0704 RELICENSURE AND RENEWAL

- (a) Foster homes shall be relicensed in accordance with the expiration date on the license. Materials for renewing a license are due to the licensing authority prior to the date the license expires.
- (b) All relicensing materials shall be completed and dated within 180 days prior to the date the supervising agency submits materials for licensure to the licensing authority. Medical examinations of the members of the foster home shall be completed and dated within 12 months prior to submitting materials for relicensure.
- (c) All relicensing materials shall be submitted at one time to the licensing authority. Incomplete relicensure applications shall be returned to the supervising agency.
- (d) If materials are submitted after the foster home license expires, a license, if approved, shall be issued effective the date the licensing materials are received by the licensing authority.
- (e) When a foster home license is terminated for failure to submit relicensure materials, the home shall be relicensed if the relicensure materials are submitted to the licensing authority within one year of the date the license was terminated and all requirements are met. After one year, the supervising agency shall submit a new licensure application to the licensing authority.
- (f) When a foster home license has been terminated in good standing and the foster family wishes to be licensed again, the license shall be renewed if there are no changes or the changes meet the requirements of the Rules of this Section. The period of time for this renewed license is from the date the request is received by the licensing authority to the end date of the license period in effect when the license was terminated.
- (g) Unless previously licensed foster parents who have not been licensed within the last 24 consecutive months demonstrate mastery of the parenting skills listed in 10A NCAC 70E .1117 (1) to the satisfaction of the supervising agency and documented to the licensing authority, the foster parents shall complete the 30 hours of pre-service training specified in 10A NCAC 70E .1117 (1).

(h) Unless previously licensed therapeutic foster parents who have not been licensed within the last 24 consecutive months demonstrate mastery of the therapeutic skills listed in 10A NCAC 70E .1117 (2) to the satisfaction of the supervising agency and documented to the licensing authority, the therapeutic foster parents shall complete the 10 hours of pre-service training specified in 10A .1117 (2).

(i) The supervising agency shall provide documentation to the licensing authority that trainings for first aid, CPR, and universal precautions are updated.

TRANSFER PROCEDURES

Rules related to transfer procedures were previously found in 10A NCAC 70E .0507 LICENSING AUTHORITY FUNCTION. Rules related to transfer procedures are now found in 10A NCAC 70E .0706. FOSTER HOME TRANSFER PROCEDURES. More detailed instructions for transferring from one agency to another are provided.

10A NCAC 70E .0706 FOSTER HOME TRANSFER PROCEDURES

(a) A foster home licensed and in good standing with the licensing authority may transfer from the supervision of a county department of social services or a private child-placing agency to the supervision of another county department of social services or private child-placing agency upon request. Procedures for transferring licenses include:

- (1) the current supervising agency providing copies of the most recent mutual home assessment, training, and licensing documents to the receiving supervising agency;
- (2) the current supervising agency notifying the custodian(s) of the foster children placed in the home of the transfer;
- (3) the receiving supervising agency notifying the custodian(s) of the foster children placed in the home of the transfer;
- (4) a Foster Care Facility License Action Request Form from the previous supervising agency that is marked terminated shall be submitted to the licensing authority;
- (5) a Foster Care Facility License Action Request Form from the receiving supervising agency that is marked new license shall be submitted to the licensing authority;
- (6) a cover letter from the previous supervising agency stating they are aware of the transfer shall be submitted to the licensing authority;
- (7) a cover letter from the receiving supervising agency requesting transfer shall be submitted to the licensing authority; and
- (8) a mutual home assessment written by the receiving supervising agency shall be submitted to the licensing authority.

(b) The materials in paragraph (a) of this rule shall be submitted to the licensing authority within 90 days after the foster parents request to transfer to another supervising agency.

REVOCATION OR DENIAL

Rules related to revocation or denial were previously found in 10A NCAC 70E .0506 REVOCATION OR DENIAL. Rules related to revocation or denial are now found in 10A NCAC 70E .0708 REVOCATION OR DENIAL. Item (e) is new and issues covered in (f) have been expanded. Call 919-715-0562 (Monday—Friday from 9:00am to 3:00pm) or go to <http://www.ncnar.org> to verify if an individual is listed on the Health Care Personnel Registry. You will need the social security number of the individual to access this information.

10A NCAC 70E .0708 REVOCATION OR DENIAL

(a) The licensing authority may revoke licenses when an agency authorized by law to investigate allegations of abuse or neglect finds the foster parent has abused or neglected a child.

(b) The licensing authority may revoke a license when the foster home is not in compliance with licensing standards.

(c) The licensing authority shall base the revocation on the following:

- (1) a child's circumstances;
- (2) a child's permanency plan;
- (3) the nature of the non-compliance; and
- (4) the circumstances of the placement.

(d) Foster parents shall be notified in writing of the reasons for the licensing authority's decision to revoke a license. When a license has been revoked, foster parents shall submit their license to the supervising agency so it can be returned to the licensing authority.

(e) The licensing authority may deny licensure to an applicant who has a finding or pending investigation that may result in a finding that will place the applicant on the Health Care Personnel Registry in accordance with G.S. 131E-256.

(f) The licensing authority may also deny licensure to an applicant under any of the following circumstances:

- (1) the applicant was the owner of a licensable facility or agency pursuant to Chapter 122C, Chapter 131D, or Article 7 of Chapter 110 of the General Statutes, and that a facility or agency had its license revoked;
- (2) the applicant is the owner of a licensable facility or agency and that facility or agency incurred a penalty for a Type A or B violation under G.S. 122C, Article 3;
- (3) the applicant is the owner of licensable facility or agency that had its license summarily suspended or downgraded to provisional status as a result of violations under G.S. 122C-24.1(a), or G.S. 131D, Article 1A, or had its license summarily suspended or denied under G.S. 110, Article 7;
- (4) the applicant was the owner of a licensable facility or agency pursuant to G.S. 122C, G.S. 131D, or G.S. 110, Article 7, who voluntarily relinquished that facility or agency's license after the initiation of revocation or summary suspension proceedings, or there is a pending appeal of a denial, revocation, or summary suspension of that facility or agency's license; or
- (5) the applicant has as any part of its governing body or management an owner who previously held a license that was revoked or summarily suspended pursuant to G.S. 122C, G.S. 131D, or G.S. 110, Article 7.

(g) The denial of licensure pursuant to Paragraph (f) of this Rule shall be in accordance with G.S. 122C-23(e1) and G.S. 131D-10.3(h). A copy of these statutes may be obtained through the internet at <http://www.ncleg.net/Statutes/Statutes.html>.

(h) Appeal procedures specified in 10A NCAC 70L .0301 shall be applicable for persons seeking an appeal to the licensing authority's decision to revoke or deny a license. If the action is reversed on appeal, the application shall be approved back to the date of the denied application if all qualifications are met.

METHOD OF MUTUAL HOME ASSESSMENT

Rules related to method of mutual home assessment were previously found in 10A NCAC 70E .0202. Rules related to mutual home assessment are now found in 10A NCAC 70E .0802. Please remember that the mutual home assessment requires separate as well as joint discussions with all adults in the household who are considered foster parents.

10A NCAC 70E .0802 METHOD OF MUTUAL HOME ASSESSMENT

The mutual home assessment shall be carried out in a series of planned discussions between the supervising agency staff, the prospective foster parent applicants and other members of the household. The family shall be seen by the social worker in the family's home and in the supervising agency's office. For two-parent homes, separate as well as joint discussions with both parents shall be arranged. For foster homes with more than two parents, separate as well as joint discussions with all parents shall be arranged.

ASSESSMENT PROCESS

Rules related to assessment process were previously found in 10A NCAC 70E .0103. ASSESSMENT PROCESS. Rules related to assessment process are now found in 10A NCAC 70E .0803 ASSESSMENT PROCESS. Items (c)(2)(6) and (7) are new. For Item (c)(2) the licensing authority will accept a preplacement assessment (adoptive home study) as the family history. Item (c)(3) references the 12 skills in 10A NCAC 70E .1104 (a) (1-12).

10A NCAC 70E .0803 ASSESSMENT PROCESS

(a) The supervising agency shall advise the applicants at the first contact with the agency of the North Carolina licensing requirements for foster care. The supervising agency shall make a decision whether to continue a mutual home assessment.

(b) The supervising agency shall inform the applicants about the services, policies, procedures, standards, and expectations of the agency regarding the provision of foster care services. The applicants shall weigh the responsibilities entailed in providing foster care services and make a decision whether to continue a mutual home assessment.

(c) Mutual Assessment of the Home and the Family:

- (1) The mutual home assessment shall be presented and recorded in such a way that other staff of the supervising agency can make use of the family as a resource for children. The assessment of the home shall indicate whether the home is in compliance with licensing standards.
- (2) A mutual home assessment shall include a family history of applicants, including information about parents, siblings, marriages and family support systems; ability to cope with problems, stress, frustrations, crises, and loss; disciplinary methods used by the applicants' parents; personal experiences of abuse and neglect and domestic violence; criminal convictions; drug or alcohol abuse; emotional stability and maturity; ability to give and receive affection; religious orientation, if any; and educational and employment history.
- (3) A mutual home assessment shall be made of the applicants' skills and abilities to provide care for children as set forth in 10A NCAC .1104(a).

- (4) All members of the household shall be assessed with respect to their commitment to providing care for children.
- (5) The foster home shall be assessed to determine if there is space to accommodate the number of children recommended for the license capacity.
- (6) The foster home applicants shall be assessed with respect to their willingness to participate in shared parenting requirements.
- (7) The foster home applicants shall be assessed with respect to their financial ability to provide foster care.

AGENCY FOSTER PARENTS' AGREEMENT

Rules related to foster parents' agreement were previously found in 10A NCAC 70E .0202 FOSTER PARENTS' AGREEMENT. Rules related to foster parents' agreement are now found in 10A NCAC 70E .0902 FOSTER PARENTS' AGREEMENT. Item (a) (9) is new. The out-of-home family services agreement or the person-centered plan may include specific supervision requirements for a foster child. Foster parents must agree to adhere to these. If an older child can be left alone for certain time frames these must be spelled out in the out-of-home family services agreement or person-centered plan. Items (b) (9) and (10) are new. Item (d) requires the agreement to be signed again at each relicensure.

10A NCAC 70E .0902 AGENCY FOSTER PARENTS' AGREEMENT

- (a) Foster parents shall sign an agreement under which the foster parents shall:
 - (1) allow the representative of the supervising agency to visit the home in conjunction with licensing procedures, foster care planning, and placement;
 - (2) accept children into the home only through the supervising agency and not through other individuals, agencies, or institutions;
 - (3) treat a child placed in the home as a member of the family, and when so advised by the supervising agency, make every effort to support, encourage, and enhance the child's relationship with the child's parents or guardian;
 - (4) maintain continuous contact and exchange of information between the supervising agency and the foster parents about matters affecting the adjustment of any child placed in the home. The foster parents shall agree to keep these matters confidential and discuss them only with the supervising agency staff members, or with other professional people designated by the agency;
 - (5) obtain the permission of the supervising agency if the child is to be out of the home for a period exceeding two nights;
 - (6) report to the supervising agency any changes in the composition of the household, change of address, or change in the employment status of any adult member of the household;
 - (7) make no independent plans for a child to visit the home of the child's parents, guardian, or relatives without prior consent from the supervising agency;
 - (8) adhere to the supervising agency's plan of medical care, both for routine care and treatment, and emergency care and hospitalization; and
 - (9) provide any child placed in the home with supervision at all times while the child is in the home, not leave the child unsupervised, and adhere to the supervision requirements specified in the out-of-home family services agreement or person-centered plan.
- (b) The supervising agency shall sign an agreement under which the supervising agency shall:
 - (1) assume responsibility for the overall planning for the child and assist the foster parents in meeting their day-to-day responsibility towards the child;
 - (2) inform the foster parents concerning the agency's procedures and financial responsibility for obtaining medical care and hospitalization;
 - (3) pay the foster parents a monthly room and board payment, and if applicable, a respite care payment for children placed in the home;
 - (4) discuss with the foster parents any plans to remove a child from the foster home;
 - (5) give the foster parents notice before removing a child from the foster home;
 - (6) visit the foster home and child according to the out-of-home family services agreement or person-centered plan and be available to give needed services and consultation concerning the child's welfare;
 - (7) respect the foster parents' preferences in terms of sex, age range, and number of children placed in the home;
 - (8) provide or arrange for training for the foster parents;
 - (9) include foster parents as part of the decision-making team for a child; and
 - (10) allow foster parents to review and receive copies of their licensing record.
- (c) The agreement shall also contain any other provisions mutually agreed by the parties.

(d) The foster parents and a representative of the supervising agency shall sign and date the agreement initially and at each relicensure. The foster parents and the supervising agency shall retain copies of the agreements.

FOSTER HOME CAPACITY

Rules related to capacity were previously found in 10A NCAC 70E .0302 FAMILY FOSTER HOME QUALIFICATIONS. Rules related to capacity are now found in 10A NCAC 70E .1001 CAPACITY. The capacity rules for family foster care and therapeutic foster care have changed. The rule for family foster care is changing to no more than five total children in the home. This includes foster children, the foster parent's children, licensed capacity for in-home day care, children kept for babysitting, relative children living in the home or any other children living in the home. Please note that a copy of the In-Home Day Care License must be submitted to the licensing authority and the capacity on this license will be used to determine the number of in-home day care children. The capacity rule for family foster care will be implemented in two stages. Family foster homes that are initially licensed after September 1, 2007 cannot have more than five children in the home. Family foster homes all ready licensed will have until July 1, 2008 to reduce the total number of children in the home to five. You will need to notify the licensing authority immediately (via DSS 5157) as children leave the foster home.

More than five children may be placed in a family foster home if this means siblings will be placed together. You need to follow Item (c) below. You do not need to send a waiver request to request an increase in capacity for siblings. However you must submit a letter providing the information in Item (c). Please note that Item (d) clarifies CAP/DA situations.

The rule for therapeutic foster care is changing to no more than four total children in the home. Only two foster children can be placed in a therapeutic foster home. Both of these children can be therapeutic foster children or family foster children or one therapeutic foster child and one family foster child. The capacity rule for therapeutic foster care will be implemented in two stages. Therapeutic foster homes that are initially licensed after September 1, 2007 will have a capacity of two. Therapeutic foster homes all ready licensed will have until January 1, 2008 to reduce the capacity to two. You will need to notify the licensing authority immediately (via DSS 5157) as children leave the foster home. Our rule permits an increase in capacity for therapeutic foster homes if it means siblings will be placed together. However we will NOT be able to implement this rule until there is a change in the Mental Health/Medicaid service definition.

The current Mental Health/Medicaid service definition is as follows:

Provider Requirement and Supervision-Staffing

Family Type

This treatment (therapeutic foster care) may be provided in a natural family setting with one or two surrogate family members providing services to one or two consumers.

The Division of Social Services capacity rule and the Mental Health/Medicaid service definition are congruent except for the placement of siblings. The Division of Social Services, Division of Mental Health, Developmental Disabilities, Substance Abuse and Division of Medical Assistance are working together for a resolution on this matter. However until the issue is resolved supervising agencies must follow the requirement of the Mental Health/Medicaid service definition (no more than two consumers {foster children} shall be placed in a therapeutic foster home).

Therapeutic foster homes can also serve as family foster homes and serve more than two foster children. However, the supervising agency will have to submit a DSS 5157 requesting an increase in capacity. When more than two foster children are placed in a therapeutic foster home, the foster home is officially classified as a family foster home and Medicaid will no longer be a payment source for therapeutic services.

10A NCAC 70E .1001 FOSTER HOME

(a) Effective September 1, 2007 not more than five children shall reside in any newly licensed family foster home at any time. Effective July 1, 2008 not more than five children shall reside in any family foster home at any time. These five children shall include the foster parent's own children, children placed for family foster care, licensed capacity for in-home day care children, children kept for babysitting or any other children residing in the home. Children kept for in-home day care and babysitting are considered residents of the home.

(b) Effective September 1, 2007 not more than four children including not more than two foster children shall reside in a newly licensed therapeutic foster home at any time. Effective January 1, 2008 not more than four children including not more than two foster children shall reside in any therapeutic foster home at any time. The four children shall include the foster parent's own children, children placed for therapeutic foster care, children placed for family foster care or any other children living in the home. Therapeutic foster parents shall not provide in-home day care or baby sitting services in the therapeutic foster home.

(c) With prior approval from the licensing authority, an exception to these standards may be made:

- (1) if written documentation is submitted to the licensing authority for family foster care that siblings will be placed together and the foster home complies with Parts (3) and (4) of this Subparagraph. The out-of-home family services agreement for each sibling shall specify that siblings will be placed together and shall also address the foster parents' skill, stamina, and ability to care for the children;
- (2) if written documentation is submitted to the licensing authority for therapeutic foster care that siblings will be placed together and the foster home complies with Parts (3) and (4) of this Subparagraph. The person-centered plan or out-of-home family services agreement for each sibling shall specify that siblings shall be placed together and shall also address the foster parents' skill, stamina, and ability to care for the children;
- (3) if written documentation is submitted to the licensing authority that the foster home complies with 10A NCAC 70E .1108; and
- (4) if written documentation is submitted to the licensing authority that the foster home complies with 10A NCAC 70L .0102.

(d) Family foster homes and therapeutic foster homes shall not provide Community Alternative Programs services for Disabled Adults (CAP/DA) unless the disabled adult was placed in the foster home as a Community Alternatives Programs for Children (CAP C) client prior to his/her 18th birthday. This disabled adult shall be included in the capacity for the foster home.

(e) Members of the household 18 years old and over and not receiving foster care services are not included in capacity, but there shall be physical accommodations in the home to provide them room and board.

CLIENT RIGHTS

Rules related to client rights were previously found in 10A NCAC 70E .0401 CLIENT RIGHTS AND CARE OF FOSTER CHILDREN. Rules related to client rights are now found in 10A NCAC 70E .1101 CLIENT RIGHTS. Item (a) (20) and item (b) are new. Item (a) (23) has been updated. For new Item (b), supervising agencies will need to develop a specific form entitled Discipline Agreement. This agreement will need to specify items (a)(9), (10), (11), (12) and (13) of 70E .1101. The discipline agreement will need to further state that the foster parents will agree to abide by any other discipline requirements outlined in the out-of-home family services agreement or person-centered plan. The agreement needs to be signed and dated by the foster parents and the agency representative before initial licensure and relicensure, and a copy retained by foster parents and the agency. .

10A NCAC 70E .1101 CLIENT RIGHTS

(a) Foster parents shall ensure that each foster child:

- (1) has clothing to wear that is appropriate to the weather;
- (2) is allowed to have personal property;
- (3) is encouraged to express opinions on issues concerning care;
- (4) is provided care in a manner that recognizes variations in cultural values and traditions;
- (5) is provided the opportunity for spiritual development and is not denied the right to practice religious beliefs;
- (6) is not identified in connection with the supervising agency in any way that would bring the child or the child's family embarrassment;
- (7) is not forced to acknowledge dependency on or gratitude to the foster parents;
- (8) is encouraged to contact and have telephone conversations with family members, when not contraindicated in the child's visitation and contact plan;
- (9) is provided training and discipline that is appropriate for the child's age, intelligence, emotional makeup, and past experience;
- (10) is not subjected to cruel or abusive punishment;
- (11) is not subjected to corporal punishment;
- (12) is not deprived of a meal or contacts with family for punishment or placed in isolation time-out except when isolation time-out means the removal of a child to an unlocked room or area from which the child is not physically prevented from leaving. The foster parent may use isolation time-out as a behavioral control measure when the foster parent provides it within hearing distance

of a foster parent. The length of time alone shall be appropriate to the child's age and development;

- (13) is not subjected to verbal abuse, threats, or humiliating remarks about himself/herself or his/her families;
- (14) is provided a daily routine in the home that promotes a positive mental health environment and provides an opportunity for normal activities with time for rest and play;
- (15) is provided training in good health habits, including proper eating, frequent bathing, and good grooming. Each child shall be provided food with nutritional content for normal growth and health.
Any diets prescribed by a licensed medical provider shall be provided;
- (16) is provided medical care in accordance with the treatment prescribed for the child;
- (17) of mandatory school age maintains regular school attendance unless the child has been excused by the authorities;
- (18) is encouraged to participate in neighborhood and group activities, have friends visit the home and visit in the homes of friends;
- (19) assumes responsibility for himself/herself and household duties in accordance with his/her age, health, and ability. Household tasks shall not interfere with school, sleep, or study periods;
- (20) is provided opportunities to participate in recreational activities;
- (21) is not permitted to do any task which is in violation of child labor laws or not appropriate for a child of that age;
- (22) is provided supervision in accordance with the child's age, intelligence, emotional makeup, and experience; and
- (23) if less than eight years of age and weighs less than 80 pounds is properly secured in a child passenger restraint system that is approved and installed in a manner authorized by the Commissioner of Motor Vehicles.

(b) Foster parents shall initially and at relicensure sign a Discipline Agreement that specifically acknowledges their agreement as specified in Subparagraphs (a)(9), (10), (11), (12), and (13) of this Rule, as well as discipline requirements outlined in the out-of-home family services agreement or person-centered plan. The foster parents and the supervising agency shall retain copies of these agreements.

MEDICATION

Rules related to medication were previously found in 10A NCAC 70E .0401 CLIENT RIGHTS AND CARE OF FOSTER CHILDREN. Rules related to medication are now found in 10A NCAC 70E .1102 MEDICATION. Items (2)(a)(b) are new.

10A NCAC 70E .1102 MEDICATION

Foster parents shall be responsible for the following regarding medication:

- (1) General requirements:
 - (a) retain the manufacturer's label with expiration dates visible on non-prescription drug containers not dispensed by a pharmacist;
 - (b) administer prescription drugs to a child only on the written order of a person authorized by law to prescribe drugs;
 - (c) allow prescription medications to be self-administered by children only when authorized in writing by the child's licensed medical provider;
 - (d) allow non-prescription medications to be administered to a child taking prescription medications only when authorized by the child's licensed medical provider; allow non-prescription medications to be administered to a child not taking prescription medication, with the authorization of the parents, guardian, legal custodian, or licensed medical provider;
 - (e) allow injections to be administered by unlicensed persons who have been trained by a registered nurse, pharmacist, or other legally qualified person;
 - (f) immediately record in a Medication Administration Record (MAR) provided by the supervising agency all drugs administered to each child. The MAR shall include the following: child's name; name, strength, and quantity of the drug; instructions for administering the drug; date and time the drug is administered, discontinued, or returned to the supervising agency or the person legally authorized to remove the child from foster care; name or initials of person administering or returning the drug; child requests for changes or clarifications concerning medications; and child's refusal of any drug; and
 - (g) follow-up for child requests for changes or clarifications concerning medications with an appointment or consultation with a licensed medical provider.
- (2) Medication disposal:

- (a) return prescription medications to the supervising agency or person legally authorized to remove the child from foster care; and
 - (b) return discontinued prescription medications to the supervising agency for disposal, in accordance with 10A NCAC 70G .0211(c).
- (3) Medication storage:
 - (a) store prescription and over-the-counter medications in a locked cabinet in a clean, well-lighted, well-ventilated room other than bathrooms, kitchen, or utility room between 75° F (24° C) and 80° F (26.7° C);
 - (b) store medications in a refrigerator, if required, between 36° F (2° C) and 46° F (8° C). If the refrigerator is used for food items, medications shall be kept in a separate, locked compartment or container within the refrigerator; and
 - (c) store prescription medications separately for each child.
- (4) Psychotropic medication review:
 - (a) arrange for any child receiving psychotropic medications to have his/her drug regimen reviewed by the child's licensed medical provider at least every six months;
 - (b) report the findings of the drug regimen review to the supervising agency; and
 - (c) document the drug review in the MAR along with any prescribed changes, if applicable.
- (5) Medication errors:
 - (a) report drug administration errors or adverse drug reactions immediately to a licensed medical provider or pharmacist; and
 - (b) document the drug administered and the drug reaction in the MAR.

PHYSICAL RESTRAINTS

Rules related to physical restraints were previously found in 10A NCAC 70E .0401 CLIENT RIGHTS AND CARE OF FOSTER CHILDREN. Rules related to physical restraints are now found in 10A NCAC 70E .1103 PHYSICAL RESTRAINTS. Many of the rules related to physical restraints are similar to requirements found in 10A NCAC 27E .0108 (Mental Health Rules). Instructor requirements have been added to Division of Social Services rules. All physical restraint holds must be approved by the North Carolina Interventions (NCI) Quality Assurance Committee (e)(1). The primary physical restraint holds approved and used in North Carolina are TCI (Therapeutic Crisis Intervention), NCI (Nonviolent Crisis Intervention) and PMAB (Preventing and Managing Aggressive Behavior). The new rule (e)(6)(A) specifies that the second foster parent witnessing the hold must also be trained in the use of physical restraints. The rule also states that the second trained person can be another adult who has been trained in the use of physical restraints. This rule also adds a waiver process for using physical restraint holds when a second trained foster parent or adult cannot be in attendance. Section (f) is new and requires the director of the supervising agency (or designee) to provide a letter annually to each foster parent advising they are permitted to utilize physical restraint holds. The physical restraint holds the foster parent can use must be specified in the letter. A copy of the letter must be maintained in the foster parent's record.

10A NCAC 70 E .1103 PHYSICAL RESTRAINTS

(a) Foster parents who utilize physical restraint holds shall not engage in discipline or behavior management that includes:

- (1) protective or mechanical restraints;
- (2) drug used as a restraint, except as outlined in Paragraph (b) of this Rule;
- (3) seclusion of a child in a locked room; or
- (4) physical restraint holds except for a child who is at imminent risk of harm to himself/herself or others until the child is calm.

(b) Foster parents shall not administer drugs to a foster child for the purpose of punishment, foster parent convenience, substitution for adequate supervision or for the purpose of restraining the child. A drug used as a restraint means a medication used only to control behavior or to restrict a child's freedom of movement, and is not a standard to treat a psychiatric condition.

(c) Before a foster parent shall administer physical restraint holds, each foster parent shall complete training that includes at least 16 hours of initial training in behavior management, including techniques for de-escalating problem behavior, the appropriate use of physical restraint holds, monitoring of vital indicators, and debriefing children and foster parents involved in physical restraint holds. Foster parents authorized to use physical restraint holds shall annually complete at least eight hours of behavior management training including techniques for de-escalating problem behavior. This training shall count toward the training requirements as set forth in 10A NCAC 70E .1117(6). Only foster parents trained in the use of physical restraint holds shall administer physical restraint holds.

(d) Foster parents shall be trained by instructors who have met the following qualifications and training requirements.

- (1) instructors shall demonstrate competence by scoring 100 percent on testing in a training program aimed at preventing, reducing, and eliminating the need for restrictive interventions;
- (2) instructors shall demonstrate competence by scoring 100 percent on testing in a training program teaching the use of physical restraint;
- (3) instructors shall demonstrate competence by scoring a passing grade on testing in an instructor training program as determined by the North Carolina Division of Mental Health, Developmental Disabilities and Substance Abuse;
- (4) the instructors' training shall be competency-based, and shall include measurable learning objectives, measurable testing (written and by observation of behavior) on those objectives, and measurable methods to determine passing or failing the course;
- (5) the content of the instructor training shall be approved by the Division of Mental Health, Developmental Disabilities and Substance Abuse Services, and shall include, presentation of understanding the adult learner, methods of teaching content of the course, evaluation of trainee performance and documentation procedures;
- (6) instructors shall be retrained at least annually and demonstrate competence in the use of physical restraint to the North Carolina Interventions (NCI) Quality Assurance Committee;
- (7) instructors shall be trained in CPR;
- (8) instructors shall have coached experience in teaching the use of restrictive interventions at least two times with a positive review by the coach, and trainers shall teach a program on the use of physical restraints at least once annually; and
- (9) instructors shall complete a refresher instructor training at least every two years.

(e) In administering physical restraints, the following shall apply:

- (1) foster parents shall use only those physical restraint holds approved by the North Carolina Interventions (NCI) Quality Assurance Committee. Approved physical restraint holds can be found at the following web site: <http://www.dhhs.state.nc.us/mhddsas/training/rscurricula/agencylist10-18-06web.pdf> (Reviewed Restrictive and Physical Interventions Curricula by Name) which are hereby incorporated by reference including subsequent amendments and editions;
- (2) before employing a physical restraint hold, the foster parent shall take into consideration the child's medical condition and any medications the child may be taking;
- (3) no child shall be restrained utilizing a protective or mechanical device;
- (4) no child or group of children shall be allowed to participate in the physical restraint of another child;
- (5) physical restraint holds shall:
 - (A) not be used for purposes of discipline or convenience;
 - (B) be used only when there is imminent risk of harm to the child or others and less restrictive approaches have failed;
 - (C) be administered in the least restrictive manner possible to protect the child or others from imminent risk of harm; and
 - (D) end when the child becomes calm.
- (6) The foster parent shall:
 - (A) ensure that any physical restraint hold utilized on a child is administered by a trained foster parent with a second trained foster parent or with a second trained adult in attendance. Concurrent with the administration of a physical restraint hold and for a minimum of 15 minutes subsequent to the termination of the hold, a foster parent shall monitor the child's breathing, ascertain the child is verbally responsive and motorically in control, and ensure the child remains conscious without any complaints of pain. The supervising agency may seek a waiver from the licensing authority for a foster parent to administer a physical restraint hold without a second trained adult in attendance, and completion of the waiver request form. The licensing authority shall grant the waiver if it possesses written approval by the child's parent, guardian, or custodian that the administering of a physical restraint hold without a second trained person present is acceptable, written approval from the supervising agency that the foster parent is authorized to administer a physical restraint hold without a second trained person present, and documentation that there is approval by the child and family team and documented in the person-centered plan or out-of-home family services agreement that it is acceptable for the foster parent to administer a physical restraint hold without a second trained person present;

- (B) immediately terminate the physical restraint hold or adjust the position to ensure that the child's breathing and motor control are not restricted, if at any time during the administration of a physical restraint hold the child complains of being unable to breathe or loses motor control;
 - (C) immediately seek medical attention for the child, if at any time the child appears to be in distress; and
 - (D) conduct an interview with the foster child about the incident following the use of a physical restraint hold.
- (7) The supervising agency shall interview the foster parent administering the physical restraint hold about the incident following the use of a physical restraint hold by the supervising agency.
 - (8) The supervising agency shall document each incident of a child being subjected to a physical restraint hold on an incident report provided by the licensing authority. The incident report shall include:
 - (A) the child's name, age, height, and weight;
 - (B) the type of hold utilized;
 - (C) the duration of the hold;
 - (D) the trained foster parent administering the hold;
 - (E) the trained foster parent or trained adult witnessing the hold;
 - (F) the less restrictive alternatives that were attempted prior to utilizing physical restraint;
 - (G) the child's behavior that necessitated the use of physical restraint; and
 - (H) whether the child's condition necessitated medical attention.

(f) Foster parents shall annually receive written approval from the executive director or his/her designee of the supervising agency before administering physical restraint holds. The foster parent shall retain a copy of the written approval and a copy shall be placed in the foster home record.

CRITERIA FOR THE FAMILY

Criteria for the family was previously found in 10A NCAC 70E .0402. Rules related to Criteria are now found in 10A NCAC 70E .1104. The new rule specifies that a medical exam is current within 12 months rather than three months. Items (4)—(10) in Section (c) are new. Supervising agencies will need to ask foster parent applicants about present/past alcohol and/or drug use. For items (6), (7) and (10) foster parent applicants will need to sign statements attesting that they have not been perpetrators of domestic violence, that they have not abused, neglected or exploited a disabled adult and that they have not abused or neglected a child or have been a respondent in a juvenile court proceeding that resulted in the removal of a child or have had child protective services involvement that resulted in the removal of a child. Supervising agencies can access the North Carolina Sex Offender and Public Protection Registry at the following website (<http://ncfindoffender.com/>). Call 919-715-0562 (Monday—Friday from 9:00am to 3:00pm) or go to <http://www.ncnar.org> to verify if an individual is listed on the Nurse Aide Registry or Health Care Personnel Registry. You will need the social security number of the individual to access this information.

Section (d) is new. Medicaid/Mental Health service definitions currently require therapeutic foster parents to have a high school diploma or GED. This is a new requirement for family foster parents. Current family foster parents who do not have a high school diploma or GED will be grandfathered in. The licensing authority will consider waivers for family foster parent applicants who do not have a high school diploma or GED. The supervising agency must verify that the applicant has basic reading and writing skills. The applicant must demonstrate that he/she can read and follow directions regarding medication administration, etc. The licensing authority will not consider waivers for therapeutic foster parents. A certified copy of a high school diploma or a certified copy of high school transcripts shall be placed in the file of the foster parents.

Section (e) expands the meaning of foster parent applicants. This rule becomes effective September 1, 2008. Applicants who are married or are considered a couple are presumed to be co-parents and therefore must complete the licensing process. Further, any adult, 21 years of age or older, living in the foster home is presumed to have parental responsibilities for foster children and therefore must meet all requirements for foster care licensing. This includes the requirements for pre-service and ongoing training. Supervising agencies need to consider all adults, 21 years of age and older, as foster parent applicants as they process new applications.

Supervising agencies need to provide training and complete all required licensure requirements for adults, 21 years of age and older, currently residing in the foster home by September 1, 2008. Waivers may be granted when the supervising agency provides documentation that the adult does not have responsibility for the care, supervision and discipline of the foster child. The supervising agency will need to document the number of hours this adult spends alone with the foster child per day/week. Does the adult administer medications? Does the adult have any responsibility for providing documentation in the MAR or other records? What is the level of supervision provided by the adult? Is this adult responsible for disciplining the foster child? What kinds of interactions does the adult have with the foster child? What specific role does this adult play in the life of the foster child?

10A NCAC 70E .1104 CRITERIA FOR THE FAMILY

(a) Foster parents shall be persons whose behaviors, circumstances, and health are conducive to the safety and well-being of children. Foster parents shall also be selected on the basis of demonstrating strengths in the skill areas of Subparagraphs (1) through (12) of this Paragraph which permit them to undertake and perform the responsibilities of meeting the needs of children, in providing continuity of care, and in working with the supervising agency. Foster parents shall demonstrate skills in:

- (1) assessing individual and family strengths and needs and building on strengths and meeting needs;
- (2) using and developing effective communication;
- (3) identifying the strengths and needs of children placed in the home;
- (4) building on children's strengths and meeting the needs of children placed in the home;
- (5) developing partnerships with children placed in the home, parents or the guardians of the children placed in the home, the supervising agency and the community to develop and carry out plans for permanency;
- (6) helping children placed in the home develop skills to manage loss and skills to form attachments;
- (7) helping children placed in the home manage their behaviors;
- (8) helping children placed in the home maintain and develop relationships that will keep them connected to their pasts;
- (9) helping children placed in the home build on positive self-concept and positive family, cultural, and racial identity;
- (10) providing a safe and healthy environment for children placed in the home which keeps them free from harm;
- (11) assessing the ways in which providing family foster care or therapeutic foster care affects the family; and
- (12) making an informed decision regarding providing family foster care or therapeutic foster care.

(b) Age. A license may be issued to persons 21 years of age and older.

(c) Health. The foster family shall be in good physical and mental health as evidenced by:

- (1) a medical examination completed by a licensed medical provider on each member of the foster home within the last 12 months prior to the initial licensing application date, and biennially thereafter;
- (2) documentation that each adult member of the household has had a TB skin test or chest x-ray prior to initial licensure unless contraindicated by a licensed medical provider or religious beliefs. The foster parents' children are required to be tested only if one or more of the parent's tests positive for TB;
- (3) a medical history form completed on each member of the household at the time of the initial licensing application and on any person who subsequently becomes a member of the household;
- (4) no indication of alcohol abuse, drug abuse, or illegal drug use by a member of the foster family;
- (5) no indication that a member of the foster family is a perpetrator of domestic violence;
- (6) no indication that a member of the foster family has abused, neglected, or exploited a disabled adult;
- (7) no indication that a member of the foster family has been placed on the North Carolina Sex Offender and Public Protection Registry;
- (8) no indication that a member of the foster family has been placed on the Nurse Aide Registry pursuant to GS 131E-255;
- (9) no indication that a member of the foster family has been placed on the Health Care Personnel Registry pursuant to GS 131E-256; and
- (10) no indication that a member of the foster family has been found to have abused or neglected a child or has been a respondent in a juvenile court proceeding that resulted in the removal of a child or has had child protective services involvement that resulted in the removal of a child.

(d) Education. Foster parent applicants shall have graduated from high school or received a GED (Graduate Equivalency Diploma).

(e) Required Applicants. Foster parent applicants who are married are presumed to be co-parents in the same household and both shall complete all licensing requirements. Effective September 1, 2008, any adult 21 years of age or older, living in currently licensed or newly licensed foster homes who has responsibility for the care, supervision, or discipline of the foster child shall complete all licensing requirements. The supervising agency shall assess each adult's responsibility for the care, supervision, or discipline of the foster child.

CONFLICT OF INTEREST

Conflict of interest rules were previously found in 10A NCAC 70E .0402 (CRITERIA FOR THE FAMILY). Rules related to conflict of interest are now found in 10A NCAC 70E .1105. Please note that this rule only applies to foster homes licensed after September 1, 2007. The definition of kinship is based on the Work First kinship rule. Currently several large public agencies supervise foster parents who are employed in units separate from Children's Services Section and their Foster Home Licensing Unit. The licensing authority will consider waivers for such requests on a case by case basis.

10A NCAC 70E .1105 CONFLICT OF INTEREST

- (a) County departments of social services and private child-placing agencies shall not supervise foster homes of members of their board of directors, governance structure, social services board, and county commission.
- (b) County departments of social services and private child-placing agencies shall not supervise foster homes of agency employees and relatives of agency employees. Relatives include birth and adoptive parents, blood and half blood relative and adoptive relative including brother, sister grandparent, great-grandparent, great-great grandparent, uncle, aunt, great-uncle, great-aunt, great-great uncle, great-great aunt, nephew, niece, first cousin, stepparent, stepbrother, stepsister and the spouse of each of these relatives.
- (c) Private child-placing agencies shall not supervise foster homes of agency owners.

FIRE AND BUILDING SAFETY

Fire and building safety rules were previously found in 10A NCAC 70E .0403 (PHYSICAL FACILITY). Fire and building safety rules are now found in 10A NCAC 70E .1108 (FIRE AND BUILDING SAFETY). Items (b)(3) has been revised. We have provided an interpretation for (b)(4) that states: Cell phones do not meet this rule because they are usually attached to a person rather than the foster home/facility and can be removed from foster home/facility grounds at anytime. The foster home/facility must have at least one land line telephone that functions upon loss of electrical power. Phones that do not meet this requirement are wireless phones, cell phones and systems accessed through cable TV or the internet. Items (b)(5)(6) have been added. These requirements have always been included on the Fire Inspection Form (DSS 1515). Please note that Item (b)(5) refers to all keyed dead bolts not just double key dead bolts. The fire inspector can exempt certain doors as egress doors and these can have keyed dead bolts. However the fire inspector must state on the inspection form that safety is not compromised and there are sufficient egress doors without keyed dead bolts.

10A NCAC 70E .1108 FIRE AND BUILDING SAFETY

- (a) Each foster home shall be in compliance with all applicable portions of the NC Building Code in effect at the time the foster home was constructed or last renovated. The NC Building Code is hereby incorporated by reference including subsequent amendments and additions. The NC Building Code may be purchased at a cost of \$106.25 at the following web site (www.ncdoi.com – click on Code Services, click on Code Book Sales).
- (b) All homes shall be protected from all fire hazards including the following:
 - (1) all hallways, doorways, entrances, ramps, steps, and corridors shall be kept clear and unobstructed at all times;
 - (2) an evacuation plan shall be developed, and all persons in the home shall be knowledgeable of the plan;
 - (3) all homes shall have one smoke detector outside each sleeping area that is within 10 feet of each bedroom door, with at least one smoke detector on each level; and at least one five-pound, ABC type fire extinguisher or CO² type fire extinguisher located in the kitchen and another ABC type fire extinguisher or CO² type fire extinguisher centrally located;
 - (4) all homes shall have a telephone that functions without use of electric power;
 - (5) no egress door shall have a keyed dead bolt; and
 - (6) the occupant utilizes Underwriters Laboratory (UL) listed extension cords. These cords shall not be substituted for permanent wiring and must be used only for portable appliances.
- (c) Before a home is licensed or relicensed, it shall be inspected and receive a passing rating on the fire and building safety inspection report completed by the local jurisdiction.

ROOM ARRANGEMENTS

Room arrangement rules were previously found in 10A NCAC 70E .0403 (PHYSICAL FACILITY). Rules related to room arrangements are now found in 10A NCAC 70E .1111. The old rules permitted two situations where children could share the same bed. The new rule (e) requires that all children have their own bed and children are not permitted to share a bed. This rule is effective September 1, 2007. You will need to advise the licensing authority if you need more time to comply with this rule. Please remember that according to ACF policy, items such as beds and cribs that are needed in order to license or approve a foster family home are allowable title IV-E administrative costs.

10A NCAC 70E .1111 ROOM ARRANGEMENTS

- (a) Each home shall have a family room to meet the needs of the family including children placed for foster care.
- (b) The kitchen shall be large enough for preparation of food and cleaning of dishes. Each home shall have a dining area to meet the needs of the family including children placed for foster care.
- (c) Bedrooms shall be identified on a floor plan as bedrooms and shall not serve dual functions.
- (d) Children shall not be permitted to sleep in an unfinished basement or in an unfinished attic.
- (e) Each child shall have his/her own bed. Each bed shall be provided with a supported mattress, two sheets, blanket, bedspread, and be of size to accommodate the child. No day bed, convertible sofa, or other bedding of a temporary nature shall be used for the exclusive sleeping area of the child except for temporary care for up to two weeks. The sleeping room shall not be shared by children of the opposite sex except by children age five and under. The sleeping arrangements shall provide space within the bedroom for the bed and the child's personal possessions. When children share a bedroom, a child under 6 shall not share a room with a child over 12, except when siblings are placed together. No more than four children shall share a room.
- (f) Separate and accessible drawer space and closet space for personal belongings and clothing shall be available for each child.
- (g) The home shall have indoor, operable sanitary toilet, hand-washing, and bathing facilities. Homes shall be designed in a manner that will provide children privacy while bathing, dressing, and using toilet facilities.

EXTERIOR SETTING AND SAFETY

This is a new rule that provides requirements related to outdoor safety and access to water.

10A NCAC 70E .1112 EXTERIOR SETTING AND SAFETY

The exterior spaces around the foster home, including any yard spaces shall be clear of any dangerous objects or hazardous items including access to water, such as swimming pools, beaches, rivers, lakes, or streams. Access to such hazards shall be avoided by either a fence at least 48 inches high with a locked gate around the hazard, or by a fence at least 48 inches high with a locked gate around the yard and exterior space of the home while still providing play space for children. Access to water in above ground swimming pools shall be prevented by locking and securing the ladder in place or storing the ladder in a place inaccessible to the children. The supervising agency shall observe and document that the foster parents have taken measures to protect foster children from having unsupervised access to swimming pools, beaches, rivers, lakes, streams, other water sources, or other hazards.

CRIMINAL HISTORIES

Criminal histories rules were previously found in 10A NCAC 70E .0405. Rules related to criminal histories are now found in 10A NCAC 70E .1114. Items (b) and (c) are based on the Adam Walsh Child Protection and Safety Act of 2006 and are part of [Public Law 109-248]. Item (d) is based on our current practice of responding to any criminal conviction.

ACF has recently provided guidance related to unreadable or missing fingerprints and alternative procedures for background checks. In some limited, case-specific circumstances, a State may not be able to: 1) obtain an individual's fingerprints as a result of the individual's disability; or, 2) obtain legible fingerprints due to low quality fingerprints, as a result of age, occupation or otherwise, thereby making it impossible for the NCID to provide results. Establishing such procedures under the below circumstances satisfies section 471(a)(20)(A) of the Social Security Act:

Inability to obtain fingerprints due to a physical disability. The State must comply with section 471(a)(20)(A) of the Social Security Act by developing and utilizing a procedure to conduct a name-based check of the NCID or it may develop and utilize another appropriately comprehensive criminal background check process. We expect the State to reserve and clearly state in writing that this alternative procedure is for limited and case-specific situations, such as when a fingerprint specialist has documented that the prospective parent's disabling condition prevents fingerprinting, or the individual does not have fingers.

Inability to obtain results due to low quality fingerprints. The State must comply with section 471(a)(20)(A) of the Social Security Act by obtaining and submitting the individual's fingerprints to the NCID. If the individual's fingerprint impressions are rejected by the NCID, the State may instead implement an alternate procedure to conduct a name-based check of the NCID or to use another appropriately comprehensive criminal background check process. We expect the State to reserve and clearly state in writing that this alternate procedure is used only in the limited and case-specific situation described above.

It is not acceptable for the State to utilize an alternative background check process when fingerprints impressions are of low quality due to the State's lack of technological capacity or use of improper techniques. The Criminal Justice Information Services (CJIS) Division of the Department of Justice and the State's CJIS Systems Officer can assist the State in determining appropriate techniques and technologies to use to take legible fingerprints, including procedures for individuals with abnormalities of the fingers or hands.

10A NCAC 70E .1114 CRIMINAL HISTORIES

(a) An applicant shall not be licensed if the applicant, or any member of the applicant's household 18 years of age or older, refuses to consent to a criminal history check required by G.S. 131D, Article 1A.

(b) An applicant or any member of the applicant's household is not eligible for licensure if the applicant or any member of the applicant's household has been convicted of a felony involving:

- (1) child abuse or neglect;
- (2) spouse abuse;
- (3) a crime against a child or children (including child pornography); or
- (4) a crime involving violence, including rape, sexual assault, or homicide but not including other physical assault or battery.

(c) An applicant or any member of the applicant's household is not eligible for licensure if the applicant or any member of the applicant's household has within the last five years been convicted of a felony involving:

- (1) physical assault;
- (2) battery; or
- (3) a drug-related offense.

(d) An applicant or any members of the applicant's household with criminal convictions except those specified in Paragraph (b) of this Rule may be considered for licensure based on the following factors:

- (1) nature of the crime;
- (2) length of time since the conviction;
- (3) circumstances surrounding the commission of the offense or offenses;
- (4) number and type of prior offenses;
- (5) evidence of rehabilitation;
- (6) age of the individual at the time of the commission of the offense or offenses; and
- (7) letter of support for licensure from the executive director of the agency.

RESPONSIBLE INDIVIDUALS LIST

This is a new rule. The licensing authority will use an automated match for substantiations of abuse and/or neglect. Please note that supervising agencies in North Carolina should not send Form 5268, Attachment 7 Request for Information from the Responsible Individuals List for foster parent applicants to the licensing authority.

10A NCAC 70E .1115 RESPONSIBLE INDIVIDUALS LIST

(a) An applicant is not eligible for licensure if the applicant has within the last five years been substantiated for abuse or serious neglect and is placed on the Responsible Individuals List as defined in North Carolina General Statute 7B-311.

(b) After five years, an applicant who is on the Responsible Individuals List may be considered for licensure based on the following factors:

- (1) nature of the substantiation;
- (2) length of time since the substantiation;
- (3) circumstances surrounding the substantiation;
- (4) evidence of rehabilitation;
- (5) history of convictions and violations; and
- (6) letter of support for licensure from the executive director of the agency.

CRIMINAL HISTORY CHECKS

Rules related to criminal history checks were previously found in 10A NCAC 70E .0405. Rules related to criminal history checks are now found in 10A NCAC 70E .1116. This rule clarifies that

the written notice, signed consent and fingerprints are completed at initial licensure. Conducting a local criminal history check through AOC and DOC are completed at initial licensure and at relicensure. If a foster home has been closed for two or more years the applicants will be considered new applicants and the supervising agency will need to complete (a)(1)-(4).

10A NCAC 70E .1116 CRIMINAL HISTORY CHECKS

(a) The supervising agency shall complete the following activities at initial licensure for new foster parent applicants and any member of the prospective foster parents' household 18 years of age or older:

- (1) furnish the written notice as required by G.S. 131D-10.3A(e);
- (2) obtain a signed consent form for a criminal history check and submit the signed consent form to the Department of Health and Human Services, Criminal Records Check Unit;
- (3) obtain two sets of fingerprints on SBI identification cards and forward both sets of fingerprints to the Department of Health and Human Services, Criminal Records Check Unit. Once an individual's fingerprints have been submitted to the Department of Health and Human Services, Criminal Records Check Unit, additional fingerprints shall not be required; and
- (4) conduct a local criminal history check through accessing the Administrative Office of the Courts and the Department of Corrections Offender Population Unified System and submit the results of the criminal history checks to the licensing authority on the Foster Home Application form.

(b) The supervising agency shall conduct a local criminal history check through accessing the Administrative Office of the Courts and the Department of Corrections Offender Population Unified System and submit the results of the criminal history checks to the licensing authority on the Foster Home Relicensure, Termination and Change Request Application form at relicensure for foster parents and any member of the prospective foster parents' household 18 years of age or older.

TRAINING REQUIREMENTS

Training requirements were previously found in 10A NCAC 70E .0512. Training requirements are now found in 10A NCAC 70E .1117. Effective January 1, 2008 therapeutic foster parents are required to receive 10 hours of preservice training in a specific curriculum. Supervising agencies should also make this curriculum available to currently licensed therapeutic foster parents. Item (3) is additional training therapeutic foster parents should receive during their first year of licensure. First-aid, CPR and universal precautions trainings must be provided to foster parents before a foster child is placed in the foster home. Under the old rule foster parents had a year after licensure to complete these trainings. Medication administration training is required before a child can be placed in a foster home. Item (5) refers to child-specific training requirements. Item (6)(a) makes it clear that foster parents shall receive 10 hours of inservice training annually.

10A NCAC 70E .1117 TRAINING REQUIREMENTS

Each supervising agency shall provide, or cause to be provided, preservice and in-service training for all prospective and licensed foster parents as follows:

- (1) Prior to licensing each applicant shall successfully complete 30 hours of preservice training. Preservice training shall include the following components:
 - (a) General Orientation to Foster Care and Adoption Process;
 - (b) Communication Skills;
 - (c) Understanding the Dynamics of Foster Care and Adoption Process;
 - (d) Separation and Loss;
 - (e) Attachment and Trust;
 - (f) Child and Adolescent Development;
 - (g) Behavior Management;
 - (h) Working with Birth Families and Maintaining Connections;
 - (i) Lifebook Preparation;
 - (j) Planned Moves and the Impact of Disruptions;
 - (k) The Impact of Placement on Foster and Adoptive Families;
 - (l) Teamwork to Achieve Permanence;
 - (m) Cultural Sensitivity;
 - (n) Confidentiality; and
 - (o) Health and Safety.
- (2) Effective January 1, 2008, therapeutic foster parent applicants shall also receive prior to licensure at least ten additional hours of preservice training in behavioral mental health treatment services including the following:

- (a) role of the therapeutic foster parent;
 - (b) safety planning; and
 - (c) managing behaviors.
- (3) During the first year of licensure, each therapeutic foster parent shall receive additional training in the following areas:
 - (a) development of the person-centered plan;
 - (b) dynamics of emotionally disturbed and substance abusing youth and families;
 - (c) symptoms of substance abuse;
 - (d) needs of emotionally disturbed and substance abusing youth and families; and
 - (e) crisis intervention.
- (4) Training in first-aid, cardiopulmonary resuscitation (CPR) and universal precautions such as those provided by the American Red Cross, the American Heart Association, or equivalent organizations before a foster child is placed with the foster family. Training in CPR shall be appropriate for the ages of children in care. First-aid, CPR, and universal precautions training shall be updated as required by the American Red Cross, the American Heart Association, or equivalent organizations. The supervising agency shall ensure that family foster parents and therapeutic foster parents are trained in medication administration before a child is placed with the foster family.
- (5) Child-specific training as required in the out-of-home family services agreement or person-centered plan as a condition of the child being placed in the foster home. When the child or adolescent requires treatment for abuse – reactive, sexually reactive and sexual offender behaviors, specific treatment shall be identified in his/her person-centered plan. Training of therapeutic foster parents is required in all aspects of reactive and offender specific sexual treatment and shall be supervised by a qualified professional with sex offender-specific treatment expertise. When the child or adolescent requires treatment for substance abuse, specific treatment shall be identified in his/her person-centered plan. Training and supervision of therapeutic foster parents are required in all aspects of substance abuse and shall be made available by a provider who meets the requirements specified for a qualified professional or associate professional for substance abuse. Qualified substance abuse prevention professional (QSAPP) means, within the Mental Health, Developmental Disabilities, Substance Abuse system of care a graduate of a college or university with a Masters degree in a human service field and has one year of full-time, post-graduate degree accumulated supervised experience in substance abuse prevention; or a graduate of a college or university with a bachelor's degree in a human service field and has two years of full-time, post-bachelor's degree accumulated supervised experience in substance abuse prevention; or a graduate of a college or university with a bachelor's degree in a field other than human services and has four years of full-time, post bachelor's degree accumulated supervised experience in substance abuse prevention; or a substance abuse prevention professional who is certified as a Certified Substance Abuse Prevention Consultant (CSAPC) by the North Carolina Substance Abuse Professional Certification Board. The supervising agency shall provide or make this professional expertise available to the therapeutic foster parents. This training shall count towards the training requirements of Item (6) of this Rule.
- (6) Prior to licensure renewal, each foster parent shall successfully complete at least twenty hours of inservice training. This training may be child-specific or may concern issues relevant to the general population of children in foster care. In order to meet this requirement:
 - (a) each supervising agency shall provide, or cause to be provided, at least 10 hours of inservice training for foster parents annually;
 - (b) such training shall include subjects that would enhance the skills of foster parents and promote stability for children;
 - (c) a foster parent may complete relevant training provided by a community college, a licensed supervising agency, or other departments of State or county governments; and, upon approval by the supervising agency, such training shall count towards meeting the requirements specified in this Item; and
 - (d) each supervising agency shall document in the foster parent record the type of activity the foster parent has completed pursuant to this Item.
- (7) A foster family caring for a child with HIV (human immunodeficiency virus) or AIDS (acquired immunodeficiency syndrome) shall complete six hours of advanced medical training annually. This training shall consist of issues relevant to HIV or AIDS. This training may count towards the training requirements Item (6) of this Rule.
- (8) Training requirements for physical restraint holds pursuant to 10A NCAC 70E .1103.